



Minimum Standards

For Commercial Activity and Service Providers



Established by the County of San Diego
Department of Public Works

COUNTY OF SAN DIEGO AIRPORTS

MINIMUM STANDARDS

FOR COMMERCIAL ACTIVITY AND SERVICE PROVIDERS



ESTABLISHED BY
THE COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
JULY 2006



Minimum Standards

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TABLE OF CONTENTS

SECTION	PAGE
CHAPTER 1: GENERAL PROVISIONS	1
➤ Purpose of Minimum Standards	1
➤ Severability	1
➤ Revisions	1
➤ Effective Date	1
CHAPTER 2: APPLICATIONS	2
➤ Written Application Requirements	2
➤ Reasons for Denial of Application	2
CHAPTER 3: PERMITS AND LEASES	
➤ Permit/Lease	4
➤ Federal Aviation Administration (FAA) Required Lease Provisions	4
CHAPTER 4: MINIMUM QUALIFICATIONS	5
➤ ADA Requirements	5
➤ Air Taxi/Charter	5
➤ Aircraft Fueling and/or Line Services	5
➤ Aircraft Maintenance Service and Sale of Parts and Accessories	6
➤ Aircraft Rental	7
➤ Aircraft Storage, Inside Hangar	7
➤ Crew /Job-Related Quarters	7
➤ FAA Requirements	7
➤ Facility Condition	7
➤ Flight Instruction	7
➤ Indemnity and Insurance	7
➤ Non-Discrimination	8
APPENDIX A: INDEX	9
APPENDIX B: REFERENCES	10
APPENDIX C: DEFINITIONS/ABBREVIATIONS	11



Minimum Standards

For Commercial Activity and Service Providers



CHAPTER 1 GENERAL PROVISIONS

Purpose of Minimum Standards

Minimum standards as outlined in this document are intended to provide the threshold entry requirements for those wishing to provide aeronautical activities or services to the public at the County of San Diego Airports (County Airports), and to do so in such manner as to insure the safety of its users and allow fair competition for those who choose to provide services to the public on the premises. These minimum standards are intended to be reasonable, non-arbitrary and nondiscriminatory and therefore apply equally to everyone making application to County Airports to provide aeronautical activities or services at County Airports.

The FAA considers that the existence of an exclusive right to conduct any aeronautical activity or service limits the usefulness of an airport and deprives the using public the benefits of competitive enterprise. Apart from the legal considerations, the FAA considers it inappropriate to apply federal funds to the improvement of any airport where full realization of the benefit would be restricted by the exercise of an exclusive right to engage in aeronautical activities or services. In some instances an exclusive right may be permitted.

Severability

In the event that any provision of these Minimum Standards shall for any reason be determined to be invalid, illegal or unenforceable in any respect, the other provisions of these Minimum Standards shall remain in full force and effect.

Revisions

These Minimum Standards shall be reviewed from time to time by the Airports Director and revised as conditions warrant. The revised Minimum Standards shall be binding on any current or prospective providers of aeronautical activities or services from the date the new standards are adopted. Aeronautical activity or service providers that commence operations prior to the effective date of revised standards may continue to operate under the pre-existing standards if, in the reasonable opinion of the Airports Director, existing contractual or legal obligations make it infeasible to modify the operations to meet current standards.

Effective Date

These Minimum Standards shall be effective thirty (30) days following the date of their approval by the Airports Director.



Minimum Standards

For Commercial Activity and Service Providers



CHAPTER 2

APPLICATIONS

Applications

All applications for a lease or permit to provide aeronautical activities or services at a County Airport will be reviewed and responded to by County Airports within 60 days from receipt of the application.

Written Application Requirements

Demonstration of intent to conduct an aeronautical activity or service at the Airport shall be by application to County Airports. The written application shall contain:

- I. The proposed nature of the aeronautical activity or service.
- II. The names and addresses of all persons who have an ownership interest in the company, who will be responsible for executing any agreement with the County and those who will be managing the aeronautical activity or service.
- III. Upon request, authorization for release of information from appropriate agencies (FAA, state, city, local) for information relating to the applicant or the business operation.
- IV. Upon request, the names, social security numbers and fingerprints of any officers, directors, employees or shareholders of the aeronautical activity or service for the purpose of conducting a criminal history records check.
- V. Preliminary plans, specifications and dates for any improvements which the applicant intends to make as part of the aeronautical activity or service for which approval is sought.
- VI. Upon request, a current credit report for each party owning or having a financial interest in the aeronautical activity or service. Also, a credit report on the company's aeronautical activity or service itself, covering all geographical areas in which the company may have conducted business.
- VII. Upon request, such other information as County Airports may require.

Reasons for Denial of Application

Applications may be denied for reasons including but not limited to:

- I. The applicant does not meet qualifications, standards and requirements established by these Minimum Standards.
- II. The applicant's proposed operations or construction will create a safety hazard at the Airport.
- III. The offered aeronautical activity(s) or service(s) would be unreasonably costly, burdensome or impractical for



Minimum Standards

For Commercial Activity and Service Providers



more than one service provider to offer.

- IV. Granting the application will require the expenditure of local funds, labor or materials on the facilities described in, or related to the application, or the operation will result in a financial loss to the Airport.
- V. There is no adequate, available or appropriate space or building at the Airport to accommodate the entire aeronautical activity or service of the applicant.
- VI. The proposed airport development or construction is not consistent with the FAA approved Airport Layout Plan.
- VII. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in significant interference with the operations of any present aeronautical activity or service provider at the Airport.
- VIII. Any party applying, or having an interest in the aeronautical activity or service, who has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
- IX. Any party applying, or having an interest in the aeronautical activity or service or its management, has a record of violating any County ordinances, rules, regulations, or other restrictions pertaining to the use of Airport property, Federal Aviation Regulations (FARs), or any other ordinances, rules, regulations or restrictions applicable to this or any other airport.
- X. Any party applying, or having an interest in the aeronautical activity or service, has defaulted in the performance of any lease or other agreement with County Airports or any lease or other agreement at any other airport or government.
- XI. Any party applying, or having an interest in the aeronautical activity or service, is not sufficiently credit worthy and responsible, in the sole judgment of County Airports, to provide and maintain the aeronautical activity or service to which the application relates and to promptly pay amounts due under the lease or permit.
- XII. The applicant has committed any crime, engaged in conduct or violated a federal, state, or local government ordinance, rule or regulation, which County Airports has determined, in its sole discretion, adversely reflects on the applicant's ability to conduct the operation for which the application is made.
- XIII. Any other reason not listed above that the County deems as reasonable and prudent for safe and efficient airport operation.



Minimum Standards

For Commercial Activity and Service Providers



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Department of Public Works

CHAPTER 3

PERMITS AND LEASES

Permit/Lease

Any person who intends to conduct an aeronautical activity or service, wherein use of the Airport provides a commercial benefit to said person, must negotiate an Airport Use Permit, and/or Lease with County Airports or a sublease with a master lessee of County Airports, including but not limited to non profit organizations. The authorization by County Airports to a person wishing to provide aeronautical activities or services to the public does not imply that said person has exclusive rights to provide those aeronautical activities or services at the Airport. County Airports, being the recipient of Federal funds via the FAA, is obligated to comply with FAA Policy on "Exclusive Rights at Airports." A copy of said Policy Statement is on file at the Airport Manager's Office for review, upon reasonable notice and during regular office hours or available on the FAA website.

In all cases of Permit or Lease the aeronautical activity or service provider must provide a local contact capable of responding to staff requests in a timely manner including, but not limited to, hangar and leasehold inspections.

FAA Required Lease Provisions

Each permit or lease at the Airport shall contain provisions regarding subordination; emergency leasing to the United States, non-discrimination and such other provisions as may be required by the FAA pursuant to law or contract. Lease provisions may be amended from time to time by the FAA or County. Each lease shall be subject to the FAA required lease provisions effective as of the date the lease is executed.



Minimum Standards

For Commercial Activity and Service Providers



CHAPTER 4

MINIMUM QUALIFICATIONS

Minimum Qualifications

An aeronautical activity or service provider shall, in addition to meeting all other requirements and qualifications either directly or through written sublease (lease or permit), meet the below stated minimum qualifications either directly or through a sublease agreement for each type of aeronautical activity or service which he/she intends to provide.

ADA Requirements

Facilities and parking areas shall comply with Americans with Disabilities Act (ADA) standards and any other federal, state and local regulations as set forth by those entities.

Air Taxi/Charter Operations

The aeronautical activity or service provider who engages in a charter operation at County Airports shall lease from County, or provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the office space and passenger waiting area, and if air cargo service is provided an additional area for cargo storage space. The aeronautical activity or service provider shall also lease sufficient apron area to stage flights and provide for the storage, parking, or tie-down of as many aircraft as such aeronautical activity or service provider reasonably expects to have on hand in such FAR Part 135 business at any one time.

Aircraft Fueling and/or Line Services

In order for any person to engage in the aeronautical activity or service of providing aircraft fuel sales and line services at the Airport, the person shall lease from the County the space needed to accommodate the aircraft fueling and line servicing equipment, supply adequate parking for the aircraft being serviced, and provide for the flow of traffic in and out of the aircraft servicing areas.

In addition, an aeronautical activity or service provider under this provision shall provide and maintain fuel storage and all necessary pumps, tanks, mobile gas trucks, fueling areas, ramps and other fueling facilities that may be necessary. In all fueling operations the aeronautical activity or service provider will comply with state and local fire codes and the current edition of NFPA 407 including all NFPA Standards referenced in NFPA 407.

An aeronautical activity or service provider under this provision shall keep a current, complete and accurate record of all fuel, oil and other products sold and shall, at the request of the Airports Director, make available all records of such sales for at least two (2) years after the sale of such products. Failure of an aeronautical activity or service provider to keep an accurate record of all sales shall be reason to revoke the aeronautical activity or service



Minimum Standards

For Commercial Activity and Service Providers



provider's permit and/or authority to do business at the Airport.

Each aeronautical activity or service provider offering aircraft fuel sales and line services shall maintain sufficient full-time attendants on duty to service aircraft without unreasonable delay during their hours of operation. This is not applicable to self-service fuel islands.

The aeronautical activity or service provider with fueling facilities shall at all times maintain an adequate supply of fuels, oils and other appropriate fluids and supplies to provide a continuous, uninterrupted and undiminished level of service.

The aeronautical activity or service provider shall maintain at all times, on each and every mobile gas truck and for each bulk loading/unloading and fuel storage facility, spill kit(s) reasonably capable of containing and cleaning up all fuel/oil spills that could arise as a result of its operation.

Mobile gas trucks shall have markings and or signage that clearly identifies itself as to fuel grade, brand (if applicable), fuel provider/permit holder, telephone number and radio frequency. Markings (individual letters) shall be no less than 3" in height and in contrasting color to the background.

Aircraft Maintenance Services and Sale of Parts and Accessories

The aeronautical activity or service provider who engages in a maintenance service business and sells parts and accessories at the airport shall lease from County, an area of airport land sufficient in size to provide the office space, a hangar and an area of ramp to tie down or house all aircraft in for repair or maintenance. Hangars must meet all safety standards, including but not limited to, current fire code.

The business of such maintenance, service and sale of parts and accessories shall be staffed with FAA certified mechanics during normal business hours as designated by County Airports, or at other times, subject to the aeronautical activity or service provider's discretion.

If the aeronautical activity or service includes aircraft refinishing and painting it shall:

- I. Comply with and abide by all standards, rules, regulations and requirements of any local, regional, state or federal governmental agencies having jurisdiction over aircraft painting and stripping operations.
- II. Comply with the current standards of the Air Pollution Control District (APCD) and National Fire Protection Association (NFPA) on paint spraying and spray booths with regard to the arrangement, construction and protection of spray booths and the storing and handling of materials used in connection with aircraft refinishing and painting, or other contaminants from flowing into storm drains, rivers, lakes, streams or being placed in any sewer system.
- III. Perform all aircraft painting and stripping operations inside a hangar or building.
- IV. Properly treat and dispose of all hazardous material in compliance with the governing agencies and in accordance with the Airport Storm Water Pollution and Prevention Plan (SWPPP) and/or any other rules, regulations or ordinances restricting the discharge of pollutants into the air, water or ground at the Airport.



Minimum Standards

For Commercial Activity and Service Providers



Aircraft Rental

The aeronautical activity or service provider who engages in an aircraft rental business at County Airports shall lease from the County, or provide under terms agreeable to County Airports, an area of airport land sufficient in size to provide the space needed for aircraft storage, vehicle parking and tiedown of all of its aircraft.

Aircraft Storage, Inside Hangar

The aeronautical activity or service provider who engages in the aeronautical activity or service of storing airplanes inside a hangar or under a shade hangar at the Airport shall lease from the County an area of airport land sufficient in size for the construction of an aircraft storage building(s) with proper access ramps and other accessories. In addition, storage buildings will be constructed according to locations stipulated in the approved Airport Layout Plan, plans and specifications previously submitted and approved in writing by the Airports Director, and according to all applicable laws and regulations.

The aeronautical activity or service provider shall post in conspicuous place(s) on the building(s), in a location and manner acceptable to the Airports Director, the address of the site, hangar number and name, address, and telephone number of the person who is in charge of such aeronautical activity or service.

Crew /Job-Related Quarters

There can be no use of Airport property for the purpose of crew or job-related quarters without prior approval from the Airports Director. No such quarters will be allowed if the FAA determines they might compromise the safety, security, effective or efficient operation of the Airport.

There shall be no residential living quarters or caretaker quarters.

FAA Requirements

The activity or service provider and/or its agents shall hold all current and valid certificates, permits, licenses and/or other authorizations required by the FAA for the aeronautical activity or service offered and shall follow all FAA rules and regulations pertaining to such activity or service.

Facility Condition

Facilities shall be kept in a neat, clean and orderly condition and properly painted.

Flight Instruction and/or Ground School

The aeronautical activity or service provider shall have adequate facilities or arrangements with provisions for a flight planning area, aircraft storage, vehicle parking, tiedown, servicing and repairing all of its aircraft.

Indemnity and Insurance

The aeronautical activity or service provider shall agree, and by operation at the Airport does agree, to indemnify,



Minimum Standards

For Commercial Activity and Service Providers



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Department of Public Works

defend, and save the County, County Board of Supervisors, and County Airports, their authorized agents, officers, representatives, and employees, and hold them harmless from and against any and all actions, penalties, liabilities, claims, demands, damages, or losses of any kind, resulting from claims or court action, whether civil, criminal or in equity, and arising directly or indirectly out of acts or omissions of the aeronautical activity or service provider, his/her agents, employees, servants, guests, business visitors, invitees or customers.

In addition to the foregoing indemnity agreement provisions, the aeronautical activity or service provider agrees to secure, maintain, and keep in force during the term of the agreement the insurance policies, forms, and conditions required by County Airports and any applicable County Rules and Regulations pertaining to the Airport. The scope, amount and terms of the required insurance shall be subject to the review and approval of the County's Risk Assessment Manager and may be required to be adjusted from time to time to mitigate the County's liability exposure from the aeronautical activity or service provider's operations.

Non-Discrimination

The aeronautical activity or service provider shall furnish to all Airport users all authorized or licensed services on a fair, equal, and not unjustly discriminatory basis. The aeronautical activity or service provider shall charge fair, reasonable, and not unjustly discriminatory prices for each activity or service, provided that the aeronautical activity or service provider may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law and any applicable County Rules and Regulations.



Minimum Standards

For Commercial Activity and Service Providers



Established by the County of San Diego
Department of Public Works

APPENDIX A

INDEX

ADA Requirements, 5
Air Taxi/Charter Operations, 5
Aircraft Fueling, 5
Aircraft Maintenance, 6
Aircraft Refinishing and painting, 6
Aircraft Stripping, 6
Aircraft Storage, 7
Aircraft Rental, 7
Application Denial, 2
Application Requirements, 2
Caretaker Quarters, 7
Crew Quarters, 7
Fuel Storage, 5
Flight Instruction, 7
Ground School, 7
Hazardous Materials, 6
Indemnity, 7
Insurance, 7
Job-Related Living Quarters, 7
Lease, 4
Line Services, 5
Minimum Standards, 1
Minimum Qualifications, 5
Non-Discrimination, 8
Permit, 4
Residential Living Quarters, 7
Sale of Parts and Accessories, 6
Signage, 6



Minimum Standards

For Commercial Activity and Service Providers



APPENDIX B

REFERENCES

1. Federal Aviation Agency Policy Statement, "Exclusive Rights at Airports", as published in the Federal Register (30 F@13661) October 27, 1965.
2. Federal Aviation Administration Order 5190.6A, "Airport Compliance Requirements" dated October 2, 1989.
3. Federal Aviation Administration Advisory Circular AC 150/5190-2A, "Exclusive Rights at Airports" dated 4/4/72.
4. Federal Aviation Administration Advisory Circular AC 150/5190-1A, "Minimum Standards for Commercial Aeronautical Activities on Public Airports" dated 12/16/85.
5. Federal Aviation Administration Advisory Circular AC 150/5190-5, chg. 1 "Exclusive Rights and Minimum Standards for Commercial Aeronautical Activities" dated 6/10/02.
6. NFPA 101 Life Safety Code 1988, Chapter 29, "Storage Occupancies", Section 29-6, Special Provisions for Aircraft Hangars.
7. NFPA 407 Aircraft Fuel Servicing, 1990 Edition, and all NFPA Standards referenced in 407.

NOTE: Minimum Standards are subject to update without notice.



Minimum Standards

For Commercial Activity and Service Providers



APPENDIX C

DEFINITIONS / ABBREVIATIONS

A&P – Airframe and Powerplant

Abandoned – means any piece of equipment or vehicle that is nonairworthy, or has no current registration, or has no current airworthiness certificate, or has a flat tire and is incapable of being driven or flown.

ADA – Americans with Disabilities Act

Advisory Circulars (AC) – means Federal Aviation Administration Advisory Circulars ACs for the aviation industry.

Aeronautical Activity or Service – Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations.

Air Operations Area (AOA) – means the area that is inside the Airport boundary in which aircraft movements take place as defined by the Federal Aviation Administration-Advisory Circular AC150/5300.

Air Traffic Control Tower (ATCT) – means the FAA or non-federal owned/staffed ATCT facility located on Airport premises.

Aircraft – means any and all conveyances, now or hereafter used for flight in airspace.

Airport and County Airport – means an Airport operated by the County of San Diego with specific identification names as defined under their individual State of California Airport Permits as follows:

- a. Agua Caliente Springs Airstrip (L54) – the County Airport, in an unincorporated area of the County of San Diego, in the State of California.
- b. Borrego Valley Airport (L08) – the County Airport, in an unincorporated area of the County of San Diego, in the State of California.
- c. Fallbrook Community Airpark (L18) – the County Airport, in an unincorporated area of the County of San Diego, in the State of California.
- d. Gillespie Field (SEE) – the County Airport, annexed in the City of El Cajon, in the State of California.
- e. Jacumba Airport (L78) – the County Airport, in an unincorporated area of the County of San Diego, in the State of California.
- f. McClellan-Palomar Airport (CRQ) – the County Airport, annexed in the City of Carlsbad, in the State of California.
- g. Ocotillo Airport (L90) – the County Airport, in an unincorporated area of the County of San Diego, in the State of California.



Minimum Standards

For Commercial Activity and Service Providers



- h. Ramona Airport (RNM) – the County Airport, in an unincorporated area of the County of San Diego, in the State of California.

Airports Director – means the Land Use and Environment Group (LUEG) Program Manager as hired by the Department of Public Works, or any designees acting in a capacity authorized by the Airports Director.

ALUC – Airport Land Use Commission

ALUCP – Airport Land Use Compatibility Plan

APCD – Air Pollution Control District

BMP – Best Management Practice

Board of Supervisors (Board) – means the County of San Diego elected officials as defined by the term “Board of Supervisors”.

City – means the City to which that airport is annexed as defined above under AIRPORT.

Codes – Rules and Regulations Referenced – means the codes/rules as referenced below:

NFPA 407 – Standard for Aircraft Fueling Servicing

Aeronautics Law – State Aeronautics Act – Public Utilities Code

California Fire Code – Part IV – Special Occupancy Uses – Article 24 – Airports, Heliports, and Helistops
EPA

FAA Advisory Circulars

California Vehicle Code Section – 211113, 22511.8, 22651, and 22652

San Diego County Administrative Code

San Diego County Board of Supervisors’ Policies

San Diego County Code of Regulatory Ordinances – Title 7, Division 3, Sec 73.101 – 73.107

San Diego County Code Chapter 4 - Titled Airport Rules and Regulations Sections 85.401 - 85.461

San Diego County Health and Safety Codes

County of San Diego Air Pollution Control District Regulations

Federal Aviation Administration FAA – Advisory Circulars, Orders, Rules

Federal - Airport and Airway Act of 1970

Federal – Airport Noise and Capacity Act of 1990

Federal - Aviation Safety and Noise Abatement Act of 1979

Federal Clean Water Act

Federal Americans with Disabilities Act

State Health and Safety Code

State Penal Code

State Vehicle Code



Minimum Standards

For Commercial Activity and Service Providers



State of California Code of Regulations - Title 21, Sections 3525 through 3560

State of California Public Utilities Code - Sections 21001 et seq. relating to the Aeronautics Act

Transportation Security Administration (TSA) Regulations

San Diego County Airports:

- County Airports - Storm Water Pollution Prevention Plan (SWPPP)

- County Airports Storm Water - Best Management Practices (BMPs)

- County Airports - Development Standards

- County Airports - Performance Standards

- County Airports Minimum Standards

- County Airports Rules and Regulations

- Schedule of Rates and Charges and Use Control Policy for San Diego County Airports

County – means the unincorporated areas in the County of San Diego, in the State of California.

Crew Quarters – means commercial job related living quarters required for crew rest periods per FARs.

Director of Aviation – means the Airports Director as defined by the County of San Diego, Department of Public Works, or his/her designee.

Driver Training Program – An awareness and airport procedures training course given by ATCT personnel or County staff or its designee teaching Search, Call, Acknowledge and Notice Procedures (SCAN).

Federal Aviation Administration (FAA) – means the Federal Aviation Administration.

Federal Aviation Regulations (FAR) – means Federal Aviation Regulations.

Flight Standards District Office (FSDO) – means the Federal Aviation Administration Flight Standards District Office.

Fixed Base Operator – means a commercial aviation business that provides more than one aeronautical service.

Flying Club – means any combination of persons who form a legal entity to provide members the privilege of piloting aircraft based on the Airport as defined under AIRPORT above.

Master Lease – means a portion of an Airport that is leased to an individual or entity as approved by the County Board of Supervisors in an Aviation/Industrial Master Lease contract.

Minimum Standards – The qualifications or criteria that are established as the minimum requirement(s) that must be met by businesses engaged in on-airport aeronautical activities for the right to conduct those activities.

Movement Area – means the runways, taxiways, and other areas of an Airport which are used for taxiing, hover taxiing, air taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and aircraft parking areas and as further defined in the FAA/AC 150-5300 "Airport Design."

National Transportation Safety Board (NTSB) – means the FAA/National Transportation Safety Board.

NFPA – National Fire Protection Administration



Minimum Standards

For Commercial Activity and Service Providers



Non-Movement Area – means aircraft aprons, ramps, taxilanes and parking areas not under the positive control of the ATCT and where two-way radio communications with the ATCT is not required by aircraft or ground vehicles on Airport premises and as further defined in the FAA/AC 150-5300 “Airport Design.”

Pedestrian – means a person on foot, on a bicycle, in a wheelchair (motorized or manual), on a skateboard (motorized or manual) or on a scooter (motorized or manual).

Person – means any individual, estate, firm, association, political body, business, organization, group, partnership, business trust, company, corporation, or other legal entity including any member trustee, agent, employee, officer, receiver, assignee, or other representative of any of these.

Positive Control – Absolute or Active control.

Runway – means a surfaced or un-surfaced area of the Airport reserved primarily for the landing and taking off of aircraft.

Self-Fueling – means fueling an aircraft that is owned in whole or partnership by the person fueling. This does not include fueling at the self-service fuel island.

Self-Service – Includes activities such as adjusting, repairing, cleaning and otherwise providing service to an aircraft, provided the service is performed by the aircraft owner or his/her employees with resources supplied by the aircraft owner. See FAR Part 43 for allowed self-service activities.

Specialized Aviation Service Operation (SASO) – An aeronautical business that offers a single or limited service.

Sublease – means a portion of an Airport that is subleased to an individual person or entity by a Master Lease/Lessee for a portion of the Master Lease parcel with approval of the Airports Director.

SWPPP – Storm Water Pollution Prevention Plan

Taxiway – means a defined path established for the taxiing of aircraft from one part of an airport to another.

Taxilane – means the portion of the aircraft parking area used for access between taxiways and aircraft parking positions.

Vehicle – means auto, truck, fuel truck, golf cart, motorcycle, moped, or any motorized equipment.



Minimum Standards

For Commercial Activity and Service Providers



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UPDATES

<u>Date of Update</u>	<u>Page Updated</u>	<u>Authorized By</u>
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County Airports Minimum Standards is established and adopted by the County of San Diego, Department of Public Works on the date indicated below.



Minimum Standards

For Commercial Activity and Service Providers



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Department of Public Works

PETER DRINKWATER

Date

Director, County Airports